

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated July 16, 2007 (hereinafter Office Action) have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully traverses the § 103(a) rejection of Claims 2-6, 9, 11-12 and 14-25 based upon the asserted combination of the teachings of U.S. Patent No. 5,644,628 to Schwarzer *et al.* (hereinafter “Schwarzer”); U.S. Patent No. 6,256,516 to Wagner *et al.* (hereinafter “Wagner”); and U.S. Patent No. 7,111,044 to Lee (hereinafter “Lee”) because the asserted references alone, or in combination do not teach or suggest each of the claimed limitations. As pointed out in the previous response, neither Wagner nor Lee teaches an electronic message with user-defined contents being one of a specific type of electronic message, as claimed in independent Claims 11, 14 and 19. For example, column 4, lines 37-40 of Wagner merely teaches that the GUI of Wagner can store electronic mail (e-mail) without any mention of a digital image, drawing, or a camera. It has also been acknowledged that that Wagner does not teach a touch pad, and Wagner does not teach the other listed message options. Further, column 6, lines 41-50 of Wagner does not teach any of the claimed types of user-defined contents. While it appears that the Examiner is attempting to overcome this deficiency by citing to teachings of Schwarzer, this reliance on Schwarzer is misplaced.

The cited portion of Schwarzer does not teach an electronic message with user-defined contents being one of a specific type of claimed electronic message. Rather, Schwarzer teaches that by a user drawing a line between two windows on a display, a conference connection can be established. The line is not an electronic message with user-defined contents nor does it constitute user-defined contents in an electronic message, as required by the claims. Moreover, Schwarzer’s line (asserted as corresponding to a drawing created by means of a touch pad) is not transmitted to a destination as is the claimed electronic message. The cited portion of Schwarzer appears to be unrelated to the claimed invention and fails to overcome the previously-discussed deficiencies in the asserted

combination of Wagner and Lee. As none of the asserted references teach at least an electronic message with user-defined contents being one of a specific type of claimed electronic message, any combination of such teachings must fail to correspond to the claimed invention. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

With particular respect to the rejection of independent Claims 14 and 19, it has not been shown where the asserted references teach wireless transmitting means for transmitting an electronic message with user-defined contents via a Wireless Local Area Network (WLAN). In contrast to the Examiner's assertion at page five of the Office Action, a reference to a telecommunication device does not necessarily disclose a wireless transceiver. Several telecommunication devices are not wireless, *e.g.*, standard telephones. It is noted that the disclosure of Schwarzer does not include the terms "wireless" or "WLAN", and the general reference to wireless data technology in Lee at column six fails to provide correspondence to the claimed limitations. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection of Claims 14 and 19 is improper, and Applicant accordingly requests that the rejection be withdrawn.

Further, it is unclear as to whether Schwarzer is being asserted as teaching the claimed receiving of a shorthand for a destination of the electronic message. At page four of the Office Action, it is stated that "schwarzer et al. doesn't specifically disclose to receive a shorthand for a destination of the electronic message", but in direct contrast at page seven it is asserted that Schwarzer has the "ability to receive shorthand of address of destination message". However, the portions relied upon as teaching receiving a shorthand do not teach such limitations. For example, the discussion of Fig. 1C shows that the entire destination phone number is entered (column 2, lines 59-60). Also the discussion of Fig. 1G indicates a process for deactivating a connection, not receiving a shorthand for a destination for an electronic message. Thus, Schwarzer also fails to teach receiving a shorthand for a destination of an electronic message, as claimed.

Dependent Claims 2-6, 9, 12, 15-18 and 20-25 depend from independent Claims 11, 14 and 19, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Schwarzer, Wagner and Lee. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claims 11, 14 and 19. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-6, 9, 12, 15-18 and 20-25 are also patentable over the asserted combination of Schwarzer, Wagner and Lee.

Applicant again traverses the § 103(a) rejection of Claims 7, 8 and 10 based upon the previously-asserted combination of Wagner and Lee because the asserted references alone, or in combination, do not teach or suggest each of the claimed limitations. As previously pointed out, Wagner does not teach a processing unit that receives a shorthand for a destination of an electronic message from a user interface, as claimed in each of the independent claims. In contrast, the cited portion of Wagner at column 1, lines 49-50 teaches specifying a destination telephone number “for the purpose of initiating an outgoing call.” The relied-upon portion makes no mention of a shorthand or of a destination for an electronic message. Wagner’s discussion of a speed dial mode 41 also indicates that it is directed only to initiating telephone calls and that it is entirely separate from the messages mode 42 (Fig. 3B and column 5, lines 55-65). Moreover, the discussion of an auto-reply mode for e-mail messages makes no mention of entering a shorthand for a destination. The send button in this mode is not a shorthand for a destination as it does not correspond with a specified destination but instead depends upon which message is selected. This is further illustrated by the fact that only a reply message may be sent using this mode; a new message

cannot be sent to a desired address by merely pressing the send button. Examples of the claimed shorthand are further described in the Specification at paragraphs [0032] and [0033]. As Wagner does not, and Lee has also not been shown to, teach at least these limitations, any combination of these teachings also must fail to teach such limitations. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

With particular respect to the rejection of independent Claim 7, the Examiner acknowledges that Wagner does not teach a touch pad user interface element and a processing unit configured to recognize a special touch as a shorthand for a destination. In an attempt to overcome this deficiency, Lee's teaching of a touch screen is relied upon. However, while Lee teaches that touch screens are known at column 3, lines 61-64, Lee does not teach or suggest that a special touch may be recognized as a shorthand for a message destination. None of the cited portions of Lee teach or suggest such limitations. Thus, neither of the asserted references teaches at least these limitations; therefore, any combination of these teaching also must fail to teach such limitations. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection of Claim 7 is improper. Applicant accordingly requests that the rejection be withdrawn.

With particular respect to the rejection of independent Claim 8, the Examiner acknowledges that Wagner does not teach a motion-sensing device as a user interface element and a processing unit configured to recognize a special motion as a shorthand for a destination. In an attempt to overcome this deficiency, the Examiner cites column 5, lines 25-29 of Lee. However, this cited portion is directed to software that manipulates a display, captures speech, and captures input data from various input devices, none of which are taught as being a motion-sensing device. Moreover, Lee does not appear to suggest such limitations as Lee does not use the terms "motion" or "movement." As neither of the asserted references teaches or suggests at least these limitations, any combination of these teachings also must fail to teach such limitations. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection of Claim 8 is improper, and Applicant accordingly requests that the rejection be withdrawn.

In an effort to facilitate prosecution, the independent claims have been amended to further characterize that the shorthand for the electronic message's destination is predefined. Support for such changes may be found, for example, in the discussion of the shorthand at paragraphs [0032] and [0033]; therefore these changes do not introduce new matter. As discussed above, the send key of Wagner (asserted as being a shorthand) is not predefined as a shorthand for any destination but rather performs a generic function to reply to a message already received from a destination. In addition new Claims 27-30 have been added. Support for these claims may be found, for example, in paragraph [0041] and original Claim 2, respectively; therefore, these changes also do not introduce new matter. Each of the new dependent claims is believed to be patentable over the asserted references for the reasons set forth above.

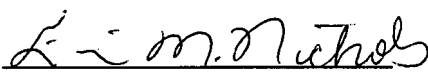
It should also be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.078PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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